



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STURGIS ET AL.
Serial No.: 09/772,189
Filed: JANUARY 29, 2001
Confirmation No.: 9119
Due Date: JANUARY 23, 2004
Title: BAG WITH ERGONOMICALLY DISPOSED HANDLE

Examiner: J. PASCUA

Group Art Unit: 3727

Docket: 13578.1US01

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FEB 03 2004
TECHNOLOGY CENTER R3700

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322883076US
Date of Deposit: January 23, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson
Name: Teresa Anderson

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Other: Request to Withdraw Holding of Abandonment, copy of Notice of Abandonment, copy of papers filed November 24, 2003 and copy of stamped return postcard showing the date received in Patent Office
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Nicholas P. Johns
Name: Nicholas P. Johns
Reg. No.: 48,995
NJohns:PLSkaw



1-26-04

9260/3727

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09/772,189

PATENT

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By: Teresa Anderson
Name: Teresa Anderson

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REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

This communication is in response to the Notice of Abandonment mailed December 29, 2003, citing Applicant's failure to respond to the Office letter mailed May 23, 2003 (copy enclosed). Applicants respectfully submit that the holding of abandonment is in error and withdrawal of the abandonment is requested.

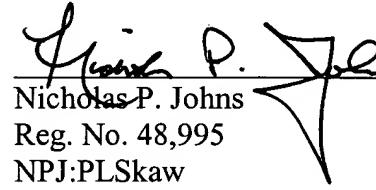
Applicants responded to the Office Action mailed May 23, 2003 by filing an Amendment and Response with a three month extension of time on November 24, 2003. November 23, 2003 was a Sunday, which extended the date for reply to Monday, November 24, 2003. A copy of the Amendment and Response and three month extension of time is submitted herewith along with a copy of the stamped return postcard showing the date received was November 28, 2003. In view of this evidence, Applicants request withdrawal of the holding of abandonment, and the Amendment and Response is believed to be in order.

It is assumed that the petition fee of \$130.00 is not required in this case. However, if such fee is deemed to be required, it should be charged to the undersigned's Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 23 Jan. 2004


Nicholas P. Johns
Reg. No. 48,995
NPJ:PLSkaw



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 23 2004

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,189	01/29/2001	Sheldon Sturgis	13578.IUS01 ✓	9119
23552	7590	12/29/2003		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			WFM	

DATE MAILED: 12/29/2003

Y REV APP/PTA: Jan 23, 2004
Y REV LMO: May 23, 2004
Y FIN REV: Nov 23, 2004 DR AB

Please find below and/or attached an Office communication concerning this application or proceeding.

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R3700

Notice of Abandonment	Application No.	Applicant(s)
	09/772,189	STURGIS ET AL.
	Examiner Jes F. Pascua	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 23 May 2003.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
(c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:



Jes F. Pascua
Primary Examiner
Art Unit: 3727

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.